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Dated: 3/9/04

Signature: Tia Zimmerman
(Tia Zimmerman)

Docket No.: 514012000100
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Jerry PELLETIER et al.

Application No.: 09/807,047

Group Art Unit: 1634

Filed: June 25, 2002

Examiner: F. Lu

For: OLIGONUCLEOTIDE PRIMERS THAT
DESTABILIZE NON-SPECIFIC DUPLEX
FORMATION AND USES THEREOF

RESPONSE TO ELECTION REQUIREMENT AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election of species requirement set forth in the Office Action mailed September 9, 2003, applicant hereby provisionally elects Species 1 for continued examination. A petition and fee for a five-month extension of time is enclosed herewith, extending the time for response from October 9, 2003 to March 9, 2004. Accordingly, this response is timely filed.

An Application Data Sheet and certified copy of the priority document (Canadian Pat. App. No. 2,246,623) are also submitted herewith.

ELECTION OF SPECIES

The Examiner has required an election between the following species:

Species (1): use of a modified olig d(T) homopolymer during first strand synthesis;

Species (2): use of a modified olig d(T) homopolymer during second strand synthesis;

Species (3): a method for reducing mispriming during 5' RACE; and,

Species (4): a method for reducing mispriming during 3' RACE.

Applicants hereby elect Species (1).

Claims readable on the elected species include claims 1-34 and 36, as amended, and new claim 37. (Claim 35 is cancelled).

Applicant requests examination of the elected subject matter on the merits. The Applicant notes that, as indicated by the Examiner, upon allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim (37 CFR 1.141). The Applicants assert that the species encompassed by the dependent claims represent a reasonable number of species.

Applicant expressly reserves his/her right under 35 U.S.C. § 121 to file a continuation or divisional application directed to the non-elected subject matter during the pendency of this application, or an application claiming priority from this application.